

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- L.19 AMENDMENT OF THE SOLICITATION
- L.20 ALTERNATE PROPOSALS
- L.21 EXPENSES RELATED TO PROPOSAL OR BID SUBMISSIONS
- L.22 PREPROPOSAL CONFERENCE--NOT CONTEMPLATED
- L.23 RESPONSIBLE PROSPECTIVE CONTRACTORS
- L.24 INFORMATION CONCERNING AWARD
- L.25 DISPOSITION OF PROPOSALS
- L.26 DISPOSITION OF SOLICITATION DOCUMENTS
- L.27 AUTHORIZED NEGOTIATORS (Complete and include in Volume I)
- L.28 SOLICITATION INFORMATION ON THE INTERNET

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.1 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

<http://www.arnet.gov/far>

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) PROVISIONS

NUMBER	DATE	TITLE
52.204-6	JUN 1999	DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER
52.215-16	OCT 1997	FACILITIES CAPITAL COST OF MONEY
52.237-10	OCT 1997	IDENTIFICATION OF UNCOMPENSATED OVERTIME

L.2 DEAR 952.204-73 FACILITY CLEARANCES (MAY 2002)

NOTICES:

L.28 SOLICITATION INFORMATION ON THE INTERNET Section 2536 of Title 10, United States Code, prohibits the award of a contract under a national security program to an entity controlled by a foreign government if it is necessary for that entity to be given access to information in a proscribed category of information in order to perform the contract unless a waiver is granted by the Secretary of Energy. In addition, a Facility Clearance and foreign ownership, control and influence (FOCI) information are required when the contract or subcontract to be awarded is expected to require employees to have access authorizations.

Offerors who have either a Department of Defense or a Department of Energy Facility Clearance generally need not resubmit the following foreign ownership information unless specifically requested to do so. Instead, provide your DOE Facility Clearance Code or your DOD assigned commercial and government entity (CAGE) code. If uncertain, consult the office which issued this solicitation.

- (a) Use of Certificate Pertaining to Foreign Interests, Standard Form 328

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- (1) The contract work anticipated by this solicitation will require access to classified information or special nuclear material. Such access will require a Facility Clearance for the Contractor organization and access authorizations (security clearances) for Contractor personnel working with the classified information or special nuclear material. To obtain a Facility Clearance the Offeror must submit a Certificate Pertaining to Foreign Interests, Standard Form 328, and all required supporting documents to form a complete Foreign Ownership, Control, or Influence (FOCI) Package.
- (2) Information submitted by the Offeror in response to the Standard Form 328 will be used solely for the purposes of evaluating foreign ownership, control or influence and will be treated by DOE, to the extent permitted by law, as business or financial information submitted in confidence.
- (3) Following submission of a Standard Form 328 and prior to contract award, the Contractor shall immediately submit to the Contracting Officer written notification of any changes in the extent and nature of FOCI which could affect the Offeror's answers to the questions in Standard Form 328. Following award of a contract, the Contractor must immediately submit to the cognizant security office written notification of any changes in the extent and nature of FOCI which could affect the Offeror's answers to the questions in Standard Form 328. Notice of changes in ownership or control which are required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, or the Department of Justice must also be furnished concurrently to the cognizant security office.

(b) Definitions

- (1) Foreign Interest means any of the following:
 - (i) A foreign government, foreign government agency, or representative of a foreign government;
 - (ii) Any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the United States or its possessions and trust territories; and
 - (iii) Any person who is not a citizen or national of the United States.
- (2) Foreign Ownership, Control, or Influence (FOCI) means the situation where the degree of ownership, control, or influence over a Contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information or special nuclear material may result.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- (c) Facility Clearance means an administrative determination that a facility is eligible to access, produce, use or store classified information, or special nuclear material. A Facility Clearance is based upon a determination that satisfactory safeguards and security measures are carried out for the activities being performed at the facility. It is DOE policy that all Contractors or Subcontractors requiring access authorizations be processed for a Facility Clearance at the level appropriate to the activities being performed under the contract. Approval for a Facility Clearance shall be based upon:
- (1) A favorable foreign ownership, control, or influence (FOCI) determination based upon the Contractor's response to the ten questions in Standard Form 329 and any required, supporting data provided by the Contractor;
 - (2) A contract or proposed contract containing the appropriate security clauses;
 - (3) Approved safeguards and security plans which describe protective measures appropriate to the activities being performed at the facility;
 - (4) An established Reporting Identification Symbol code for the Nuclear Materials Management and Safeguards Reporting System if access to nuclear materials is involved;
 - (5) A survey conducted no more than 6 months before the Facility Clearance date, with a composite facility rating of satisfactory, if the facility is to possess classified matter or special nuclear material at its location;
 - (6) Appointment of a Facility Security Officer, who must possess or be in the process of obtaining an access authorization equivalent to the Facility Clearance; and if applicable, appointment of a Materials Control and Accountability Representative; and
 - (7) Access authorizations for key management personnel who will be determined on a case-by-case basis, and must possess or be in the process of obtaining access authorizations equivalent to the level of the Facility Clearance.
- (d) A Facility Clearance is required prior to the award of a contract requiring access to classified information and the granting of any access authorizations under a contract. Prior to award of a contract, the DOE must determine that award of the contract to the Offeror will not pose an undue risk to the common defense and security as a result of its access to classified information or special nuclear material in the performance of the contract. The Contracting Officer may require the Offeror to such additional information as deemed pertinent to this determination.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- (e) A Facility Clearance is required even for contracts that do not require the Contractor's corporate offices to receive, process, reproduce, store, transmit, or handle classified information or special nuclear material, but which require DOE access authorizations for the Contractor's employees to perform work at a DOE location. This type facility is identified as a non-possessing facility.
- (f) Except as otherwise authorized in writing by the Contracting Officer, the provisions of any resulting contract must require that the Contractor insert provisions similar to the fore-going in all subcontracts and purchase orders. Any Subcontractors requiring access authorizations for access to classified information or special nuclear material shall be directed to provide responses to the questions in Standard Form 328, Certificate Pertaining to Foreign Interests, directly to the prime contractor or the Contracting Officer for the prime contract.

NOTICE TO OFFERORS – CONTENTS REVIEW (PLEASE REVIEW BEFORE SUBMITTING)

Prior to submitting the Standard Form 328 required by paragraph (a)(1) of this clause, the Offeror should review the FOCI submission to ensure that:

- (1) The Standard Form 328 has been signed and dated by an authorized official of the company;
- (2) If publicly owned, the Contractor's most recent annual report, and its most recent proxy statement for its annual meeting of stockholders have been attached; or, if privately owned, the audited, consolidated financial information for the most recently closed accounting year has been attached;
- (3) A copy of the company's articles of incorporation and an attested copy of the company's by-laws, or similar documents filed for the company's existence and management, and all amendments to those documents;
- (4) A list identifying the organization's owners, officers, directors, and executive personnel, including their names, social security numbers, citizenship, titles of all positions they hold within the organization, and what clearances, if any, they possess or are in the process of obtaining, and identification of the government agency(ies) that granted or will be granting those clearances; and
- (5) A summary FOCI data sheet.

NOTE: A FOCI submission must be attached for each tier parent organization (i.e., ultimate parent and any intervening levels of ownership). If any of these documents are missing, award of the contract cannot be completed.

[49 FR 12042, Mar. 28, 1984; 49 FR 38951, Oct. 2, 1984, as amended at 56 FR 41965, Aug. 26, 1991; 59 FR 6221, Feb. 10, 1994; 62 FR 2310, Jan. 16, 1997; 62 FR 42072, Aug. 5, 1997; 67 FR 14873, Mar. 28, 2002]

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

**L.3 DEAR 952.209-8 ORGANIZATIONAL CONFLICTS OF INTEREST
DISCLOSURE-- ADVISORY AND ASSISTANCE SERVICES (JUN 1997)**

- (a) Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.
- (b) An Offeror notified that it is the apparent successful Offeror shall provide the statement described in paragraph (c) of this provision. For purposes of this provision, "apparent successful Offeror" means the proposer selected for final negotiations or, where individual contracts are negotiated with all firms in the competitive range, it means all such firms.
- (c) The statement must contain the following:
 - (1) A statement of any past (within the past 12 months), present, or currently planned financial, contractual, organizational, or other interests relating to the performance of the statement of work. For contractual interests, such statement must include the name, address, telephone number of the client or client(s), a description of the services rendered to the previous client(s), and the name of a responsible officer or employee of the Offeror who is knowledgeable about the services rendered to each client, if, in the 12 months preceding the date of the statement, services were rendered to the Government or any other client (including a foreign government or person) respecting the same subject matter of the instant solicitation, or directly relating to such subject matter. The agency and contract number under which the services were rendered must also be included, if applicable. For financial interests, the statement must include the nature and extent of the interest and any entity or entities involved in the financial relationship. For these and any other interests enough such information must be provided to allow a meaningful evaluation of the potential effect of the interest on the performance of the statement of work.
 - (2) A statement that no actual or potential conflict of interest or unfair competitive advantage exists with respect to the advisory and assistance services to be provided in connection with the instant contract or that any actual or potential conflict of interest or unfair competitive advantage that does or may exist with respect to the contract in question has been communicated as part of the statement required by (b) above of this provision.
- (d) Failure of the Offeror to provide the required statement may result in the Offeror being determined ineligible for award. Misrepresentation or failure to report any fact may result in the assessment of penalties associated with false statements or such

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

other provisions provided for by law or regulation.

L.4 FAR 52.215-1 INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION (FEB 2000) ALTERNATE I (OCT 1997)

(a) Definitions. As used in this provision--

"Discussions" are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer's discretion, result in the Offeror being allowed to revise its proposal.

"In writing" or "written" means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

"Proposal modification" is a change made to a proposal before the solicitation's closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

"Proposal revision" is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

"Time", if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) Submission, modification, revision, and withdrawal of proposals.

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the Offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show--

(i) The solicitation number;

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- (ii) The name, address, and telephone and facsimile numbers of the Offeror (and electronic address if available);
 - (iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;
 - (iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the Offeror's behalf with the Government in connection with this solicitation; and
 - (v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.
- (3) Submission, modification, revision, and withdrawal of proposals.
- (i) Offerors are responsible for submitting proposals, and any modifications or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.
 - (ii) (A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—
 - (1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or
 - (2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or
 - (3) It is the only proposal received.
 - (B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.
 - (iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

- (iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.
- (v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an Offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.
- (4) Unless otherwise specified in the solicitation, the Offeror may propose to provide any item or combination of items.
- (5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.
- (6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.
- (7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.
- (8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.
- (d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the Offeror).
- (e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall—

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- (1) Mark the title page with the following legend: “This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed--in whole or in part-- for any purpose other than to evaluate this proposal”. If, however, a contract is awarded to this Offeror as a result of--or in connection with-- the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets [insert numbers or other identification of sheets]; and
 - (2) Mark each sheet of data it wishes to restrict with the following legend: “Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal”.
- (f) Contract award.
- (1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible Offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.
 - (2) The Government may reject any or all proposals if such action is in the Government's interest.
 - (3) The Government may waive informalities and minor irregularities in proposals received.
 - (4) The Government reserves the right to award a contract without conducting discussions with Offerors. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals. Therefore, the Offeror's initial proposal should contain the Offeror's best terms from a price and technical standpoint.
 - (5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the Offeror specifies otherwise in the proposal.
 - (6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.
 - (7) Exchanges with Offerors after receipt of a proposal do not constitute a rejection

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

or counteroffer by the Government.

- (8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.
- (9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.
- (10) A written award or acceptance of proposal mailed or otherwise furnished to the successful Offeror within the time specified in the proposal shall result in a binding contract without further action by either party.
- (11) The Government may disclose the following information in postaward debriefings to other Offerors:
 - (i) The overall evaluated cost or price and technical rating of the successful Offeror;
 - (ii) The overall ranking of all Offerors, when any ranking was developed by the agency during source selection;
 - (iii) A summary of the rationale for award; and
 - (iv) Acquisitions of commercial items, the make and model of the item to be delivered by the successful Offeror.

L.5 FAR 52.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA (OCT 1997) ALTERNATE IV (OCT 1997)

- (a) Submission of cost or pricing data is not required.
- (b) Provide information described below:

(See L.14, Proposal Preparation Instructions-Volume IV, Price)

L.6 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a fixed price requirements contract with a cost reimbursable line item resulting from this solicitation.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.7 FAR 52.233-2 SERVICE OF PROTEST (SEP 1996) (As Modified by 952.233-2) (AUG 1996)

- (a) Protests, as defined in Section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Darby A. Dieterich, Contracting Officer, Contracts and Property Management Division, National Nuclear Security Administration Nevada Operations Office, P.O. Box 98518, Las Vegas, NV 89193-8518

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.
- (c) Another copy of a protest filed with the General Accounting Office shall be furnished to the following address within the time periods described in paragraph (b) of this clause: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, S.W., Washington, DC 20585, Fax: (202) 586-4546.

L.8 DEAR 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY (SEP 1996)

- (a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective Offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103-355. Such request must be in writing and addressed to the contracting officer for this procurement.
- (b) Any Offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective Offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, Offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004).

L.9 DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the contracting officer prior to filing a protest.

L.10 GENERAL INSTRUCTIONS FOR THE PREPARATION OF PROPOSALS

(a) Purpose of Instructions. These instructions prescribe the format and approach to be used in the development and presentation of proposal data. They are designed to assure the submission of information that is deemed essential to the understanding and comprehensive evaluation of Offeror's proposal. The instructions permit the inclusion of data and/or information that an Offeror deems appropriate. Proposals are expected to conform to the solicitation instructions included in this section. Failure of a proposal to show compliance with the instructions cited below may be grounds for exclusion of the proposal from further consideration.

(b) General. Offerors are expected to examine the entire solicitation package and submit a proposal that conforms to the requirements of this solicitation and is prepared in accordance with this solicitation section. To aid in the evaluation process, proposals shall be clearly and concisely written, as well as neat, indexed (cross-indexed as appropriate) and logically assembled. All pages of each part of the proposal package shall be appropriately numbered and identified with the name of the Offeror, date and the solicitation number to the extent practicable.

(1) The overall proposal shall consist of four (4) volumes, individually entitled and in the quantity as stated below at L.10 (c). **THE REQUIRED PROPOSALS MUST BE SUBMITTED VIA ELECTRONIC SUBMISSION THROUGH THE DOE INDUSTRY INTERACTIVE PROCUREMENT SYSTEM (IIPS).**

(2) Each volume shall contain the following:

- i. Cover Page containing volume number and title, solicitation number, Offeror's name, and Offeror's policy on the release of information contained within the volume. This page will not be considered as part of the volume page limitation. See Attachment J-7.
- ii. Table of Contents, which indicates the page numbers of each section, figure table or foldout. The Table of Contents page will not be considered as part of the volume page limitation.
- iii. If dividers are used to separate sections of the proposal, they will not be considered as part of the volume page limitation.

(3) A page is defined as one side of a sheet of paper that is 8½" X 11," with at least

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

one inch margins on all sides, using a font size no smaller than 12 characters per inch (or equivalent) type. The metric standard format most closely approximating the described standard may also be used. Pages must not include incorporations by reference.

- (4) Title pages and table of contents, as well as resumes and letters of commitment, are excluded from the volume page limitation specified in paragraph L.10 (c).
- (5) The Government will not evaluate pages submitted in excess of the limitations specified for each volume of the proposal. The page count will start from the first countable page of the proposal volume and go up to the maximum number of pages accepted. Any pages that are left after reaching the established page limitation will not be evaluated.
- (c) Arrangement of Proposals. The required number of each proposal volume is shown in the matrix below:

<u>Proposal</u>	<u>Page Limit</u>
<u>Volume I – Offer and Other Documents</u>	<u>N/A</u>
<u>Volume II – Technical & Organization/Management Criteria</u>	<u>35</u>
<u>Volume III – Past Performance</u>	<u>N/A</u>
<u>Volume IV – Price</u>	<u>N/A</u>

- (d) Written Questions Requesting Clarification. Offerors may submit written questions requesting clarification of solicitation requirements. All questions shall be received no later than two (2) weeks prior to the date set for receipt of the proposals to allow the NNSA adequate time to prepare and issue responses to all Offerors prior to the date and time set for receipt of proposals. **ONLY WRITTEN QUESTIONS WILL RECEIVE A RESPONSE.** Each question submitted should contain the following information: document name, document date, specific page, paragraph, clause or other definitive citation for which clarification is requested. All questions shall be submitted to Tammie L. Henderson at:

Tammie L. Henderson - email address: <http://www.henderson@nv.doe.gov> or faxed to (702) 295-5305.

Questions and answers will be issued via amendment and posted on the Internet at: <http://www.nv.doe.gov/business/procurement/nv14328.htm> and

and the DOE Industry Interactive Procurement System (IIPS) Website at: <http://e-center.doe.gov/> (You must register to use the IIPS system..)

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.11 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME I, OFFER AND OTHER DOCUMENTS

Specific Instructions. Offerors shall submit information as follows:

- (a) General. Volume I, Offer and Other Documents consists of the actual offer to enter into a contract to perform the desired work. It also includes required representations, certifications, and acknowledgements, make or buy program (if required), justification for noncompetitive proposed subcontracts, identification of technical data to be withheld, request for waiver of patent clauses, any other administrative information, and a summary of exceptions and deviations taken. Although it incorporates them by reference, it does not physically include the other volumes.
- (b) Format and Content. Volume 1, Offer and Other Documents, shall include the following documents (in the order listed):
 - (1) Fully executed Standard Form (SF) 33. The acceptance period entered on the SF-33, item 12 shall not be less than 180 calendar days after the proposal due date. The person signing the SF-33 must have the authority to commit the Offeror to all provisions of the proposal.
 - (2) Fully executed Section K, Offeror Representations, Certifications, and Other Statements. The persons signing the documents in this section must have the authority to commit the Offeror to all provisions of the proposal.
 - (3) Additional Information. The Offeror may include other statements the Offeror chooses to bring to the attention of the Source Evaluation Panel which are not directly related to the other sections or volumes of the proposal.
 - (4) Exceptions and Deviations taken to the Model Contract. The Offeror shall identify and provide rationale to support any exceptions or deviations taken or conditional assumptions made with respect to the model contract, reporting requirements, Offeror Representations, Certifications, Other Statement of the Offeror, the requirements of this section and any other matters.
 - (5) Summary of Exceptions and Deviations taken to other Volumes (II-IV). The exceptions and proposed deviations should be listed in a logical sequence such as by individual sections of the solicitation. The Offeror shall summarize each exception and provide a specific cross reference to its full discussion.

Note: Exceptions, of themselves, will not automatically cause a proposal to be considered unacceptable. However, a large number of exceptions or one or more significant exceptions not providing benefit to the Government may result in the

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

elimination of your proposal from further consideration.

L.12 PROPOSAL PREPARATION INSTRUCTIONS – VOLUME II, TECHNICAL AND ORGANIZATION/MANAGEMENT

- (a) General. Volume II – Technical and Organization/Management Proposals consist of the Offeror's outline addressing the technical and management aspects of the acquisition, capabilities and what will be done to satisfy the requirements of the Scope of Work. Since the Technical and Organization/Management Proposals will be evaluated to determine such matters as your understanding of the work to be performed, technical approach, management approach, and potential to perform the desired work, it should be specific and complete in every detail. The proposal should be practical and be prepared simply and economically, providing a straightforward, concise delineation of what the Offeror will do to satisfy the requirements of the Statement of Work.
- (b) In order for the Technical and Organization/Management Proposals to be evaluated strictly on the merit of the material submitted, no cost information is to be included in the Technical and Organization/Management Proposals.
- (c) The proposal shall not merely offer to perform work in accordance with the Statement of Work, but shall outline the actual work proposed as specifically as practical. The Statement of Work reflects the objective of the program under consideration; therefore, repeating the Statement of Work without sufficient elaboration will not be acceptable.
- (d) NNSA/NV shall be notified in writing if, at any time prior to award or before receiving an Unsuccessful Offer notification, any person proposed as Key Personnel will not be available to perform under the contract. The Offeror at that time will furnish to NNSA a statement as to why the subject Key Personnel is no longer available; a resume of the person being furnished as a substitute, and a statement identifying how the substitute's qualifications will meet the requirements in the Scope of Work. If the substitution of Key Personnel occurs after receipt of final proposal revisions, if requested by NNSA, and the Contracting Officer determines that the substitution of the Key Personnel would not have changed the selection decision, the NNSA will proceed to award without opening or reopening discussions or requesting another round of proposal revisions.
- (e) Format and Content. Volume II, Technical and Organization/Management Proposals shall include the following: (These major headings may be subdivided by the Offeror as appropriate)
 - (1) Contents shall be provided for each section for ready reference to key paragraphs, figures and illustrations. Illustrations shall be legible. No materials shall be incorporated by reference that are not included in the Technical and

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

Organization/Management Proposal.

- (2) Summary. This part shall contain a brief abstract of the discussion portion.
- (3) Discussion. This part shall contain the information necessary to evaluate the proposal against the evaluation criteria identified in Section M.
- (4) Exceptions and Deviations. This component shall identify any exceptions or deviations taken, or conditional assumptions made with respect to the Technical and Organization/Management requirements of the solicitation. Any exceptions taken must contain sufficient amplification and justification to permit evaluation. All benefits to the Government shall be explained for each exception taken. Such exceptions will not, of themselves, automatically cause a Proposal to be termed unacceptable. However, a large number of exceptions, or one or more significant exceptions not providing benefit to the Government, may result in rejection of the proposal(s) as unacceptable.
- (5) Specific Areas to Address. All the items described below shall be addressed in the Technical and Organization/Management Proposal:

Criterion 1: Technical and Organization/ Management

- 1. Technical Approach. Describe the technical approach to provide services in the Statement of Work and demonstrate understanding of the requirements to be performed and the program areas to be supported. The technical approach must address as a minimum the elements cited below.
 - A. Comprehensive plan to meet requirements
 - B. Work definition and planning
 - C. Work monitoring
 - D. Reporting of results
- 2. Personnel Resources/Management Approach. Describe how the Offeror will provide resources necessary to accomplish the requirements of the Statement of Work. The proposal must address as a minimum the elements cited below.
 - A. TSCM certification(s) credentials and maintenance of current TSCM certification
 - B. Ability to effectively provide certified personnel over the life of the contract. Describe the Offeror's ability to recruit and retain skilled personnel for current and future staffing needs in an evolving technical

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

environment.

- C. Ability to provide TSCM support on short notice. Short notice is defined as having Contractor personnel on-site within 72 hours of requirement.
 - D. The Offeror shall describe its general and business management approach to accomplish the Statement of Work. In addition, the Offeror shall present its proposed organizational structure and staffing plan demonstrating its capability to accomplish the requirements of the Statement of Work.
3. Financial Capability. Provide the Offeror's financial condition and corresponding capability to take on the responsibility for this contract. (This should include a current balance sheet, profit and loss statement for all quarters reported on the current Contractor's accounting year, and an audited financial statement for each of the last three accounting years.)

L.13 PROPOSAL PREPARATION INSTRUCTIONS – VOLUME III – PAST PERFORMANCE

CRITERION 2: PAST PERFORMANCE

(a) General:

The Past Performance Proposal consists of information related to programs with both the Government and industry covering prime and subcontract performance under existing and prior contracts for the accomplishment of work comparable in terms of scope, size, and complexity to the present procurement. Performance information will be used for both responsibility determinations and as an evaluation factor against which Offerors' relative rankings will be compared to assure best value to the Government. The Past Performance Questionnaire contained in Section J, Attachment J-8, will be used to collect this information. References other than those identified by the Offeror may be contacted by the Government with the information received and used in the evaluation of the Offeror's past performance.

It is suggested that the Offeror contact its clients in some fashion with regard to this procurement to authorize the client to release such data as presented in the Past Performance Questionnaire in Section J, Attachment J-8.

Past performance is proprietary source selection information. Therefore, detailed past performance information and discussion will only be presented and held with the Contractor under review. If necessary, the Contractors involved in the proposal that have business arrangements and relationships (i.e., joint ventures, teaming arrangements) with the Contractor under review, will only be informed of the overall results of the review without any details.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

(b) Specific Instructions:

PAST PERFORMANCE OF THE OFFEROR

For the purposes of past performance information, Offerors shall be defined as business arrangements and relationships to include joint ventures, teaming partners, and major subcontractors. The Offeror shall submit the following information:

- (1) References for contracts and first-tier subcontracts, if applicable, for services comparable in terms of scope, size, and complexity to the present procurement over the last three (3) years to include all current contracts that have been in process for a minimum of six (6) months. Contracts or subcontracts listed may include those entered into by the federal, state and local governments and commercial customers. If an Offeror does not have a list of at least 3 contracts or subcontracts for similar services, the Offeror may include in the list, contracts or subcontracts that are not similar. Offerors that are newly formed entities without prior contracts should list contracts and subcontracts for all key personnel and previous companies with which the key personnel may have been involved. Using the Past Performance Information Sheet (Attachment J-9), include the following information for each contract or subcontract that is referenced:

- (i) Name of Contracting Entity
- (ii) Name of Customer/Position/Department
- (iii) Contract Number
- (iv) Contract Type
- (v) Total Contract Value
- (vi) Brief Description of Contract Work
- (vii) Contracting activity, Contract Administrator, telephone number, fax number
- (viii) Contracting activity, Technical Administrator, telephone number, fax number
- (ix) Contracting Officer, if different from line (vii) above, and telephone number
- (x) List of major subcontractors

Please ensure that the telephone numbers provided are current working numbers.

- (2) The Offeror may provide information on problems encountered on the contracts or subcontracts identified in the list provided and corrective actions taken to resolve the problems. Offerors should not provide general information on their performance on the identified contracts or subcontracts. General performance information may be obtained from the references.
- (3) The Offeror may describe any quality awards or certifications that indicate the Offeror possesses a high-quality process for developing and producing the product or service required. Such awards or certifications include, for example, the Malcolm Baldrige Quality Award, other government quality awards, and private sector awards or certifications. Identify what segment of the company (one division or the entire

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

company) received the award or certification. Describe when the award or certification was bestowed and how this award reflects on the company that will be performing the work. If the award or certification is over three years old, present evidence that the qualifications still apply.

L.14 PROPOSAL PREPARATION INSTRUCTIONS - VOLUME IV, PRICE

CRITERION 3: PRICE

(a) General

- (1) The Price Proposal consists of the Offeror's price to perform the required work set forth in the Statement of Work. The Government anticipates awarding a contract on the basis of adequate price competition, as described in FAR 15.403-1(c)(1). The Offeror's Price Proposal shall be evaluated to determine price reasonableness of proposed prices and the Offeror's understanding of the solicitation requirements.
- (2) Modification to Price Proposal: Any changes made to the Price Proposal as a result of amendments to the solicitation shall clearly indicate the cost impact of the modification. Tables or Exhibits impacted by any change shall be clearly identified.
- (3) Joint Venture/Teaming Arrangements: If a joint venture or other teaming arrangement is proposed, the participants shall clearly identify in the proposal which services are being provided by which participant as it relates to the TSCM support line items (Line Items 1, 3, 5, 7 and 9 in Section B.1, Items Being Acquired/Total Price).
- (4) Government-Furnished Property: NNSA/NV will furnish to the Contractor TSCM equipment as specified in Section H, Clause H.23.
- (5) Government-Furnished Facilities and Services: The Government will furnish facilities and services necessary to carry out this effort, as stated in Section H, Clause H.9.

(b) Specific Preparation Instructions:

- (1) As travel expenses will vary significantly, Offerors shall prepare their proposals based on an estimated quantity of 2,000 hours per contract year based on the taskings set forth below. Specific information related to each of the taskings is contained in the worksheets included in Section J, Attachment J-5. A set of worksheets should be completed for the Base Contract Year and each of the Option Years. The labor categories specified in the Worksheets should tie directly back to the Items Number

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

Description, Fixed Unit Price, and Estimated Total Amount included in
Section B, Clause B.1, ITEMS BEING ACQUIRED/TOTAL PRICE.

TSCM Surveys:

<u>No of Events</u>	<u>Location</u>	<u>Labor Req'ts</u>	<u>Hours</u>
1	Santa Barbara, California	2 people/ 1 week	80
1	Washington DC	2 people/1 week	80
8	Las Vegas, NV	2 people/1 week	640

TSCM Inspections:

<u>No of Events.</u>	<u>Location</u>	<u>Labor Req'ts</u>	<u>Hours</u>
1	Santa Barbara, California	2 people/1 week	80
1	Washington DC	2 people/1 week	80
8	Las Vegas, NV	2 people/1 week	640

TSCM Monitoring, Special Activities, Advice & Assistance:

<u>No of Events.</u>	<u>Location</u>	<u>Labor Req'ts</u>	<u>Hours</u>
25	Las Vegas, NV	1 person 2 days	400

(2) Offerors should consider the following information in developing unit prices:

- (i) CONTRACT TYPE: Offerors are reminded that the contract resulting from this solicitation will be a fixed price requirements type contract. As such, Offerors must allocate all costs against the fixed unit price on the line items proposed in Section B, Clause B.1, ITEMS BEING ACQUIRED/TOTAL PRICE. Payments under the contract resulting from this solicitation will be based on the application of the fixed unit prices against the hours provided.
- (ii) MANAGEMENT ALLOCATION: Management Allocation represents the Offeror's burdened cost to manage the contract. Direct payment shall not be made for program management or contract management. Therefore, Offerors should allocate the cost for management against the fixed unit price of the line items proposed in Clause B.1 of the solicitation.
- (iii) TRAINING, TRAVEL, SHIPPING, & OTHER COST REIMBURSABLE ITEMS: These costs will be authorized and purchased on an as-needed basis through the life of the contract via separate Delivery Order. Therefore, the hourly rates set forth in

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

Clause B.1 should be **exclusive** of the cost identified for travel and training.

- (iv) **SECURITY CLEARANCES:** The cost for security clearances and clearance updates will not be chargeable to the contract. Therefore, the hourly rates set forth in Clause B.1 should be **exclusive** of any cost for security clearances.
- (v) The Offeror shall provide in writing any deviations, exceptions, or conditional assumptions taken with respect to the Price Proposal instructions or solicitation requirements. Any deviations, exceptions, or assumptions must be supported by sufficient justification to permit evaluation.

NOTE: Price information shall not be included in Volume II – Technical and Organization/Management Proposal.

L.15 INTENT TO PROPOSE

To enable the NNSA to anticipate the number of submissions to be evaluated, Offerors are encouraged to advise NNSA about their intent to propose by submitting Attachment J-10 of Section J when reasonably sure.

L.16 TIME, DATE, AND PLACE PROPOSAL IS DUE

(a) Time and Date for Proposal Submission:

- (1) Past Performance Proposals are due as follows:

Due: 3:00 p.m. PST (time) January 8, 2003 (date)

- (2) The remainder of the proposal is due as follows:

Due: 3:00 p.m. PST (time) January 22, 2003 (date)

See FAR Clause 52.215-1 for a description of the treatment of late submissions, modifications, and withdrawals of proposals.

(b) Mode of Transmission, Time, Date and Place Proposals are Due:

- (1) All proposals are required to be submitted through DOE's Industry Interactive Procurement System (IIPS) in accordance with the following instructions and the IIPS User Guide which can be obtained by going to the IIPS Secured Services site at <http://doe-iips.pr.doe.gov/> and downloading the file named IIPShelp.rtf. Applicants must register in IIPS in order to submit an application as directed. Questions regarding the operation of IIPS shall be directed to (800) 683-0751.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

- (2) Registration on the IIPS is a pre-requisite to participate in this competition. Only registered users will have the capability to transmit their applications in a responsive manner. Once prospective applicants are registered, only DOE personnel and evaluators will have access to proposal information. A signature on IIPS is the typed name of the applicant.
- (3) The Past Performance Proposal (Volume III) must have an IIPS transmission time stamp of not later than January 8, 2003, at 3:00 p.m. Pacific Standard Time. The remainder of the proposal (i.e., Volumes I, II, and IV) must have an IIPS transmission time stamp of not later than January 22, 2003, at 3:00 p.m. Pacific Standard Time.
- (4) Prospective Offerors are responsible for checking the IIPS web site at regular intervals for updates since any additional changes or amendments to the RFP will only be posted on the web. No other notification will be made.

L.17 SMALL BUSINESS SIZE STANDARD AND SET-ASIDE INFORMATION

This acquisition is a Small Business set-aside. The size standard for this solicitation is \$6.0 million and the North American Industry Classification System (NAICS) is 561990 – All Other Support Services.

L.18 NUMBER OF AWARDS

It is anticipated that there will be one award resulting from this solicitation. However, the Government reserves the right to make any number of awards, or no award, if it is considered to be in the Government's best interest to do so.

L.19 AMENDMENT OF THE SOLICITATION

The only method by which any term of this solicitation may be modified is by an express, formal amendment to the solicitation generated by NNSA/NV. No other communication made at any scheduled preproposal conference or subsequent discussions, whether oral or in writing, will modify or supersede the terms of this solicitation. Receipt of an amendment to a solicitation by an Offeror must be acknowledged in accordance with the solicitation provision, L.4 FAR 52.215-1 (b) "Amendments to Solicitation." Such acknowledgement must be received prior to the hour and date specified for receipt of offers.

L.20 ALTERNATE PROPOSALS

Alternate proposals are not solicited and shall not be evaluated.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.21 EXPENSES RELATED TO PROPOSAL OR BID SUBMISSIONS

This solicitation does not commit the Government to pay any costs incurred in the submission of any proposal or bid; in making necessary studies or designs for the preparation thereof; or to acquire or contract for any services.

L.22 PREPROPOSAL CONFERENCE--NOT CONTEMPLATED

There will be no preproposal conference held for this solicitation.

L.23 RESPONSIBLE PROSPECTIVE CONTRACTORS

The general and additional minimum standards for responsible prospective Contractors set forth at FAR 9.1 apply. The Government may use one or more methods available to determine Contractor responsibility.

L.24 INFORMATION CONCERNING AWARD

Written notice to unsuccessful Offerors and contract award information will be promptly released in accordance with applicable FAR or DEAR parts.

L.25 DISPOSITION OF PROPOSALS

Proposals will not be returned (except in the case for timely withdrawals) and will be appropriately dispositioned.

L.26 DISPOSITION OF SOLICITATION DOCUMENTS

Drawings, specifications, and other documents supplied with the solicitation may be retained by the Offeror unless there is a requirement for a document to be completed and returned as part of the offer.

L.27 AUTHORIZED NEGOTIATORS (Complete and include in Volume I)

The Offeror represents that the following persons are authorized to negotiate on its behalf with the Government in connection with this solicitation:

Name	Title	Organization	Telephone No.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

L.28 SOLICITATION INFORMATION ON THE INTERNET

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

(a) Solicitation

A copy of this solicitation will be located on the U.S. Department of Energy National Nuclear Security Administration, Nevada Operations Office Home Page at the following world wide web (www) address.

<http://www.nv.doe.gov/business/procurement/nv13869.htm>

and on the IIPS Website at: <http://e-center.doe.gov/>

(b) References

Federal Acquisition Regulations and Circulars (FAR and FAC) =
<http://www.arnet.gov/far/>

DOE Directives = <http://nvhome/directives/>

**PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD**

TABLE OF CONTENTS

Section Clause

- M.1 GENERAL
- M.2 BASIS FOR SELECTION
- M.3 EVALUATION OF OFFERS FOR AWARD
- M.4 RELATIVE IMPORTANCE OF EVALUATION CRITERIA
- M.5 VOLUME II - TECHNICAL AND ORGANIZATION/MANAGEMENT CRITERION
- M.6 VOLUME III - PAST PERFORMANCE CRITERION
- M.7 VOLUME IV - PRICE CRITERION

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

M.1 GENERAL

- (a) This acquisition will be conducted pursuant to the policies and procedures in Federal Acquisition Regulation (FAR) Part 15 and Department of Energy Regulation (DEAR) Part 915. The NNSA/NV has established a Source Evaluation Panel (SEP) to evaluate proposals submitted for this acquisition. Using the evaluation criteria set forth in this Section M, proposals shall be evaluated in accordance with the FAR, as supplemented by the DEAR and DOE acquisition policies and procedures.
- (b) The proposal preparation instructions contained in Section L are designed to provide guidance to Offerors concerning the type and depth of information the SEP considers necessary to conduct an informed evaluation of each proposal. A proposal may be eliminated from further consideration before a detailed evaluation is performed, if it is considered so grossly and obviously deficient as to be totally unacceptable on its face. In the event that a proposal is rejected, a notice will be sent to the Offeror stating the reason(s) that the proposal will not be considered for further evaluation under this solicitation.
- (c) When the term “Offeror” is used, it includes the prime contractor and all its teaming contractors.
- (d) The NNSA/NV, in evaluating proposals, reserves the right to use any assistance deemed advisable, in accordance with applicable regulations, including qualified personnel from other federal and state agencies, universities, industry, and NNSA/NV’s principal management and operating contractor, and/or other major prime contractors. Offerors are therefore required to clearly state on the cover sheet of their Technical and Organization/Management Proposal if they do or do not consent to an evaluation by such non-NNSA personnel. Offerors are further advised that NNSA may be unable to give full consideration to a proposal submitted without such consent. All non-NNSA personnel utilized in the evaluation of proposals are required to agree in writing that they will use the information contained in the proposals only for NNSA evaluation purposes and to treat the information obtained in confidence.
- (e) Prior to an award, a determination shall be made by the Source Selection Official whether any possible Organizational Conflict of Interest exists with respect to the apparent successful Offeror or whether there is little or no likelihood that such conflict exists. In making this determination, DOE will consider the representation required by Section L of this solicitation. An award will be made if there is no Organizational Conflict of Interest or if any potential Organizational Conflict of Interest can be appropriately avoided or mitigated.
- (f) Pursuant to 15.306(c), the Contracting Officer's determination of competitive range for proposals submitted as a result of this solicitation will consider such factors as technical evaluation/ranking of the proposal, initial cost/price proposed and other

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

items set forth in this section. Offerors are hereby advised that only those proposals deemed to have a reasonable chance for award of a contract will be included in the competitive range. Offerors who are not included in the competitive range will be promptly notified.

- (g) For the purpose of evaluating information on an Offeror's past experience and past performance, an Offeror shall be defined as those companies which have established business arrangements or relationships for this solicitation, including subcontractors that will perform major or critical aspects of the Performance Work Statement. DOE may contact some or all of the references provided by the Offeror, and may solicit past performance information from other available sources.
- (h) The Government intends to evaluate proposals and award a contract without discussions with Offerors (except clarifications as described in FAR 15.306(a)). Therefore, the Offeror's initial proposal should contain the Offeror's best terms for both a technical and price standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.
- (i) Exceptions or deviations to any terms and conditions alone will not render the proposal unacceptable; however, any exceptions or deviations to the terms of the solicitation may make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the contract, the Government may make an award without discussions to another Offeror that did not take exception to the terms and conditions of the solicitation.
- (j) An overall rating of unsatisfactory in one evaluation criterion may result in elimination of the proposal from further consideration regardless of the rating of the other criteria or subcriteria. An overall criterion rating of unsatisfactory may result from one subcriterion within a criterion being rated unsatisfactory, or from more than one subcriteria within a criterion being rated marginal.

M.2 BASIS FOR SELECTION

- (a) An award will be made to the responsible Offeror whose proposal conforms to the solicitation and is determined to represent the best value and is thereby the most advantageous offer to the government. This selection process allows tradeoffs among price and non-price factors in determining the most advantageous offer to the government. The government will make an award to the Offeror, other than the lowest responsive and responsible Offer, if evaluation renders that Offeror's proposal to be sufficiently superior from a technical standpoint so as to warrant payment by the government of a premium (i.e., difference in price between the superior proposal and lower responsive proposals) for such superiority.
- (b) It is very important that adequate and specific information be furnished to the government. Cursory responses or responses which merely reiterate or reformulate

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

the Statement of Work (SOW) cannot be considered as being responsive to the Request for Proposal (RFP) requirements. Conclusive assurances of experiences, capability, or qualifications without clear demonstration to support the claim will adversely influence the evaluation. In evaluating the Price Proposal, a connection will be made between the Technical and Organization/Management Proposal. Unrealistically low initial or subsequent price may be grounds for eliminating a proposal from competition on the basis that the price is unrealistic or that the Offeror does not understand the requirement. Offerors should submit their best proposal initially, as the government reserves the right to award without discussions.

- (c) The results of the evaluation of the Technical and Organization/Management Proposal, Past Performance Proposal, and Price Proposal will be considered in performing an integrated assessment of the proposal leading to the selection of a successful Offeror. If a selection is made without discussions, an overall rating of unacceptable for any one evaluation criterion (or subcriterion) may eliminate the proposal from further consideration, regardless of the overall rating for the other evaluation factors.
- (d) Proposals will be evaluated on the basis of total estimated price to the Government for performance of all effort including the four option years. Evaluation by the Government for performance of all effort shall not obligate the Government to exercise the option(s) as stated in Section B.

M.3 EVALUATION OF OFFERS FOR AWARD

It is anticipated that there shall be one award resulting from this solicitation. However, the Government reserves the right to make any number of awards, or no award, if it is considered to be in the Government's best interest to do so.

M.4 RELATIVE IMPORTANCE OF EVALUATION CRITERIA

- (a) The Government will award a contract resulting from this solicitation to the responsible Offeror whose offer conforming to the solicitation will be most advantageous to the government, price and other criteria considered. The following criteria shall be used to evaluate offers:

<u>Criterion and Number</u>	<u>Total Points Assigned</u>
1. Technical and Organization/Management	500
2. Past Performance	<u>500</u>
Total	1,000
3. Price	no point score

- (b) The Offeror's Volume I – Offer and Other Documents shall consist of the actual offer

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

to enter into a contract to perform the desired work. It also includes required representations, certifications and acknowledgements, make or buy program (if required), justification for noncompetitive proposed subcontracts, identification of technical data to be withheld, request for waiver of patent clauses, any other administrative information, and a summary of exceptions and deviations taken. Although it incorporates them by reference, Volume I does not physically include the other volumes. This volume is not point scored in accordance with Section M of this solicitation. The offer and other documents in the proposal will be evaluated for adequacy and compliance with the solicitation.

- (c) The Offeror's Volume II - Technical and Organization/Management Criterion shall be evaluated and point scored in accordance with paragraph M.5. The Technical and Organization/Management Proposal, Past performance and Price Proposals are all equal.
- (d) The Offeror's Volume III – Past Performance Criterion shall be evaluated and point scored in accordance with paragraph M.6. The Technical and Organization/Management Proposal, Past Performance and Price Proposals are all equal.
- (e) The Offeror's Volume IV – Price Criterion shall be evaluated in accordance with paragraph M.7, which will not be point scored. Price is not scored but will be evaluated for completeness, reasonableness, and realism. Price may become increasingly more important when two or more competing proposals are considered to be substantially equal.
- (f) Options will be evaluated for award purposes by adding the total price for all option periods to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are unbalanced. The evaluation of options shall not obligate the government to exercise the option(s).
- (g) Adjectival Ratings. Each proposal will also receive an adjectival rating, which is listed below:

Outstanding: A proposal response that addresses all elements of the criterion in an outstanding manner. Such a response would normally be evidenced by many significant strengths, no significant weaknesses, a high degree of relevancy to the criterion, and presents a high level of successful performance expectation. In general, the response would be described as excellent or superior.
Range: 900-1000

Good: A proposal response that addresses a majority of the elements of

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

the criterion. Such a response would normally be evidenced by many significant strengths, few if any significant weaknesses, a high degree of relevancy to the criterion and presents an above average level of successful performance expectation. In general, the response would be described as conscientious, competent or complete.

Range: 800 - 899

Satisfactory: A proposal response that adequately addresses the elements of the criterion. Such a response would normally be evidenced by few if any significant strengths, few if any significant weaknesses, offsetting strengths and weaknesses, a moderate degree of relevancy to the criterion and presents a moderate level of successful performance expectation. In general, the response would be described as suitable, sufficient, or adequate.

Range: 700 - 799

Marginal: A proposal response that addresses a few of the elements of the criterion. Such a response would normally be evidenced by few if any strengths, many significant weaknesses, a moderate degree of relevancy to the criterion and presents a low level of successful performance expectation. In general, the response would be described as faulty, substandard, poor or deficient.

Range: 600 - 699

Unsatisfactory: A presentation response that fails to address the criterion. Such a response would normally evidence no strengths of any kind and many significant weaknesses. In general, the response would be described as unsatisfactory, unacceptable, or careless. A presentation that does not have a past contract performance history because the offeror did not present any past history, even though one exists. False information was provided; misinformation was provided; significant information was withheld.

Range: 0 - 599

M.5 EVALUATION CRITERION

VOLUME II – TECHNICAL AND ORGANIZATION/MANAGEMENT CRITERION

The Offeror's Technical and Organization/Management Proposal shall be evaluated as follows:

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

(a) **Criterion 1: Technical and Organization/Management (Total of 500 points).**

The technical evaluation will be used to evaluate the Offeror's demonstrated understanding and capability to perform the requirements set forth in the Statement of Work. The organization/management evaluation will be used to determine the efficiency and effectiveness with which the technical aspects of the RFP can be implemented.

1. **Technical Approach (100)** – This factor will be used to evaluate how the Offeror demonstrates its capabilities to fulfill the requirements of the Statement of Work.
 - A. Comprehensive plan to meet requirements
 - B. Work definition and planning
 - C. Work monitoring
 - D. Reporting of results
2. **Personnel Resources (300)** - How the Offeror will provide the resources necessary to accomplish the requirements of the Statement of Work. The proposal must include, as a minimum, the elements cited below:
 - A. TSCM certification(s) credentials and maintenance of current TSCM certification
 - B. Ability to effectively provide certified personnel over the life of the contract. Describe the Offeror's ability to recruit and retain skilled personnel for current and future staffing needs in an evolving technical environment.
 - C. Ability to provide TSCM support on short notice. Short notice is defined as having Contractor personnel on-site within 72 hours of requirement. This short notice requirement will be on an infrequent basis.
 - D. The Offeror shall describe its general and business management approach to accomplish the Statement of Work. In addition, the Offeror shall present its proposed organizational structure and staffing plan demonstrating its capability to accomplish the requirements of the Statement of Work.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

3. **Financial Capability (100).** Provide the Offeror's financial condition and corresponding capability to take on the responsibility for this contract. (This should include a current balance sheet, profit and loss statement for all quarters reported on the current fiscal year, and an audited financial statement for each of the last three fiscal years. These documents are not going to be part of the page count).

M.6 EVALUATION CRITERION

VOLUME III - PAST PERFORMANCE CRITERION

(a) Criterion 2: Past Performance (Total of 500 points).

Evaluation of Past Performance will be based upon information furnished from relevant and current contracts. The nature and magnitude of the Offeror's previous and current performance and its relation to the work required in the Statement of Work for this procurement will be evaluated as follows*:

*The following subcriteria are assigned an equal weight.

Subcriterion A. Cost Control (125 points).

The Offeror shall be evaluated on the Offeror's ability to complete tasks and requirements of the Statement of Work within the funding limitations of the contract.

Subcriterion B. Timeliness of Performance (125 points).

The Offeror shall be evaluated on how well the Offeror met customer requirements, responsiveness to technical direction, and the accuracy and timeliness of deliverables.

Subcriterion C. Quality of Service (125 points).

The Offeror will be evaluated on quality of the services provided and compliance with contract requirements, accuracy of reports, and technical excellence.

Subcriterion D. Business Relations (125 points).

The Offeror shall be evaluated on its ability to provide effective personnel management, reasonable/cooperative behavior with the technical representative(s) and Contracting Officer, and problem-solving capability.

PART IV – REPRESENTATIONS AND INSTRUCTIONS
SECTION M
EVALUATION FACTORS FOR AWARD

(b) Assessment of the Offeror's past performance will be one method of evaluating the credibility of the Offeror's proposal and the relative capability to meet performance requirements.

(c) Information utilized will be obtained from the references listed in the proposal, other customers known to the government, consumer protection organizations, and others who may have useful and relevant information. Information will also be considered regarding any significant subcontractors and key personnel records.

As stated in Section L, the Offeror shall submit references for contracts and first-tier subcontracts, if applicable, for services comparable in terms of scope, size, and complexity to the present procurement over the last three (3) years (prior to the solicitation release date) to include all current contracts that have been in process for a minimum of six (6) months. Contracts or subcontracts listed may include those entered into by the Federal, state and local governments and commercial customers. If an Offeror does not have a list of at least 3 contracts or subcontracts for similar services, the Offeror may include in the list, contracts or subcontracts that are not similar. Offerors that are newly formed entities without prior contracts should list contracts and subcontracts for all key personnel and previous companies with which the key personnel may have been involved.

(d) Award may be made from the initial offers without discussions. However, if discussions are held, Offerors will be given the opportunity to address unfavorable reports of past performance if the Offeror has not had a previous opportunity to review the rating. Recent contracts will be examined to ensure that corrective measures have been implemented. Prompt corrective action in isolated instances may not outweigh overall negative trends.

(e) If an Offeror does not have a past performance history relating to the type of work in the solicitation, the Offeror will not be evaluated favorably or unfavorably on this factor.

M.7 EVALUATION CRITERION

VOLUME IV – PRICE CRITERION

Criterion 3: Price (No points assigned).

Evaluation of the total price will include the base year and the four option years. The Offeror's Price Proposal shall be evaluated to determine reasonableness of proposed price and the Offeror's understanding of the solicitation requirements. An unrealistic price proposal may be evidence of the Offeror's lack of understanding of the solicitation requirements.